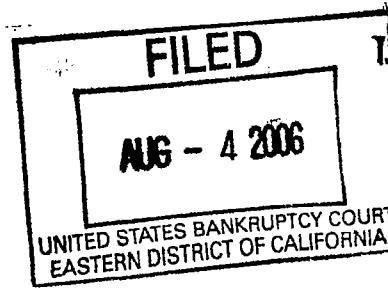


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5                   UNITED STATES BANKRUPTCY COURT  
6                   EASTERN DISTRICT OF CALIFORNIA  
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9       In re    ) Case No. 05-33669-C-7  
10      DOUGLAS RON EATTOCK,    )  
11      Debtor.    )  
12      \_\_\_\_\_  
13

14                   **FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
15                   **ON MOTION TO AVOID LIEN**

16       These findings of fact and conclusions of law are  
17       rendered in this contested matter pursuant to Federal Rule of  
18       Civil Procedure 52 as incorporated by Federal Rules of  
19       Bankruptcy Procedure 7052 and 9014. Evidence was taken  
20       pursuant to Federal Rule of Civil Procedure 43(e), as  
21       incorporated by Federal Rule of Bankruptcy Procedure 9017 and  
22       as invoked by Local Bankruptcy Rule 9014(e).  
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24                   Jurisdiction

25       Jurisdiction is founded upon 28 U.S.C. § 1334. This is  
26       a core proceeding. 28 U.S.C. § 157(b)(2)(K).  
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2                   Findings of Fact

3                 On June 2, 2006, the debtor filed a motion requesting  
4                 that this court avoid a judgment lien in favor of Crandell  
5                 White and Natividad Baines ("creditors") because the lien  
6                 impairs the debtor's homestead exemption. The lien attaches to  
7                 the debtor's residence at 10424 Cohasset Road, Chico,  
8                 California ("the property"). The debtor properly served notice  
9                 and creditors did not file an opposition. A hearing was  
10                scheduled July 18, 2006, to consider the motion. The motion  
11                was then continued and scheduled to be heard on August 29,  
12                2006. On July 27, 2006, debtor filed a motion to renew the  
13                motion ex parte. Upon review of the record, the court  
14                determined that the written record was adequate and that no  
15                oral argument was necessary.

16                Debtor scheduled the property at a value of \$72,000.  
17                Other liens in the approximate amount of \$28,207.74 are the  
18                subject of other motions to avoid liens.

19                The debtor's motion claims that the lien in favor of  
20                Crandell White and Natividad Baines impairs debtor's homestead  
21                exemption. Debtor claimed the property as exempt for \$75,000.

22

23                   Conclusions of Law

24                A debtor may avoid the fixing of a lien on an interest  
25                of the debtor in property to the extent that the lien impairs  
26                an exemption that is properly claimed and to which there is no  
27                objection. 11 U.S.C. § 522(f)(1). The record reflects that

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1 the lien in favor of Crandell White and Natividad Baines  
2 impairs an exemption to which the debtor is entitled.

3 The motion will therefore be granted. An appropriate  
4 order will issue.

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6 Dated: August 4 , 2006  
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10 UNITED STATES BANKRUPTCY JUDGE  
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1                   **CERTIFICATE OF SERVICE**

2                   On the date indicated below, I served a true and  
3                   correct copy(ies) of the attached document by placing said  
4                   copy(ies) in a postage paid envelope addressed to the person(s)  
5                   hereinafter listed and by depositing said envelope in the  
6                   United States mail or by placing said copy(ies) into an  
7                   interoffice delivery receptacle located in the Clerk's Office.

8                   Douglas Eattock  
9                   10424 Cohasset Road  
10                  Chico, CA 95973

11                  Michael O'Dowd Hays  
12                  676 E. 1st Ave. #5  
13                  Chico, CA 95926

14                  John Reger  
15                  P.O. Box 933  
16                  Palo Cedro, CA 96073

17                  Dennis Cowan  
18                  P.O. Box 992090  
19                  Redding, CA 96099-2090

20                  Crandell White and Natividad Baines  
21                  c/o Puritz Law Office  
22                  P.O. Box 935  
23                  Chico, CA 95927

24                  Office of the United States Trustee  
25                  United States Courthouse  
26                  501 "I" Street, Suite 7-500  
27                  Sacramento, CA 95814

28                  Dated: 8/7/06

29                  \_\_\_\_\_  
30                  *Marilyn Rigsby*  
31                  \_\_\_\_\_  
32                  Deputy Clerk